

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

**IN RE: ASBESTOS PRODUCTS  
LIABILITY LITIGATION (NO. VI)**

**CALVIN R. LUCKEY and wife, PEGGY G.  
LUCKEY, *et al.*,**

**Civil No. 3:98cv394**

**This document pertains to:**

**THEODORE BALLARD, JR.; FLOYD J.  
BOWMAN; WILLIE J. BURT, JR.;  
CLEMENT (“Ray”) KEENE and wife,  
BARBARA JO DEATHERAGE KEENE;  
SYLVIA L. JOHNSON, Executrix of the  
Estate of CLARENCE LUCKEY, SR.,  
deceased; JUDY MARTIN, Individually and  
as Executrix of the Estate of RAY E.  
MARTIN, deceased; JOHN WESLEY SMITH  
and wife, BETTY M. SMITH; DONNIE I.  
BAILEY; RAYMOND L. MOORE; JIMMY  
W. NEAL, SR. and wife, DOREEN K. NEAL;  
JOHN A. NOBLE III and wife, WENDY  
ROBIN HASTINGS NOBLE; ROGER D.  
SMITH and wife, MARGIE P. SMITH;  
WALTER D. THOMPSON; RONNER  
BYERS and wife, FRANCES W. BYERS;  
RICHARD ALLEN JONES and wife, JUDY  
ANN FINK JONES; TONY E. ROGERS and  
wife, PATRICIA LADONNE CRAWFORD  
ROGERS; KENNETH G. SMITH and wife,  
MARGARET SMITH; DAVID R. TURNER;  
DAVID R. WHITESIDE, SR. and wife,  
LINDA L. WHITESIDE, and VICTOR E.  
YOUNT,**

**Plaintiffs,**

**Vs.**

**ACandS, Inc., et al.,**

**Defendants.**

**ORDER OF DISMISSAL OF DEFENDANT CLEAVER-BROOKS, INC.**

**THIS MATTER** is before the Court, with the consent and approval of the parties, to  
dismiss the captioned Plaintiffs’ claims against the Defendant Cleaver-Brooks, Inc.

For cause shown,

**IT IS, THEREFORE, ORDERED** that the claims of Plaintiffs Clement ("Ray") Keene and wife, Barbara Jo Deatherage Keene; Jimmy W. Neal, Sr. and wife, Doreen K. Neal; David R. Turner; and David R. Whiteside, Sr. and wife, Linda L. Whiteside against the Defendant Cleaver-Brooks, Inc., are hereby **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the claims of Plaintiffs Donnie I. Bailey; Theodore Ballard, Jr.; Floyd J. Bowman; Willie J. Burt, Jr.; Ronner Byers and wife, Frances W. Byers; Richard Allen Jones and wife, Judy Ann Fink Jones; Sylvia L. Johnson, Executrix Of The Estate Of Clarence Luckey, Sr., Deceased; Judy Martin, Individually and as Executrix Of The Estate Of Ray E. Martin, Deceased; Raymond L. Moore; John A. Noble III and wife, Wendy Robin Hastings Noble; Tony E. Rogers and wife, Patricia Ladonne Crawford Rogers; John Wesley Smith and wife, Betty M. Smith; Kenneth G. Smith and wife, Margaret Smith; Walter D. Thompson; and Victor E. Yount against the Defendant Cleaver-Brooks, Inc., are hereby **DISMISSED WITHOUT PREJUDICE**.

Signed: March 22, 2007



Lacy H. Thornburg  
United States District Judge



**Prepared and Submitted By:**

Attorney for Defendant Cleaver-Brooks, Inc.

s/ Stephen B. Williamson

Stephen B. Williamson, Esq.

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